

MEETING #1 January 7

At a Joint Meeting of the Madison County Board of Supervisors on
January 7, 2009 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa Robertson, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that a
quorum was present

Chairman, Eddie Dean stated the following cases would be discussed
tonight:

Case Number S-01-09-01, which is a request by Lois Ann Murray Berry,
Life Estate, et. als, for a plat of a subdivision of land to create one (1) lot with residue on
Route 643 near Etlan (Etlan Road), zoned A-1. The final plat has been approved by the
Madison Health Department and the Virginia Department of Transportation.

Jimmy Murray was present on behalf of the applicant and stated the
request involves cutting a three-acre lot in order for his son to build a single family
dwelling (house).

After discussion, on motion of William L. Crigler, seconded by James L.
Arrington, the subdivision request is approved as recommended by the Madison County
Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-01-09-03, which is a request by Virginia PCS Alliance,
L.C. (Ntelos) for an indefinite special use permit for the addition of a third antenna on the
existing eighty-foot (80') telephone pole owned by Virginia PCS Alliance, L.C. (Ntelos)
on property owned by Yates Properties of Madison LC. The addition of the new panel
antenna will not exceed the current height of eighty feet (80'). This property is located

off Route 29 Southbound Lane (South Seminole Trail) at Shelby and contains 5.191 acres of land zoned, Industrial, M-1. This request was originally approved on August 5, 1998 for usage by Ntelos (formerly known and approved as CFW Wireless).

Jessie Wilmer of Ntelos was present on behalf of the applicant; she stated a special use permit was awarded to Ntelos in 1998 for an eighty foot (80') wooden pole with two (2) antennas at the aforementioned site; however during the past few years, technology has changed and capacity has increased and tonight's request is to have a third antennae installed on the existing pole – the height will not be increased and will be utilized by Ntelos only and no other carrier(s).

V. R. Shackelford, III, County Attorney, suggested that consideration also include the existing special use conditions that are already in place for this particular case.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit is approved, subject to existing special use permit conditions, as recommended by the Madison County Planning Commission. The following conditions were imposed on August 5, 1998 and also go with this special use permit:

- 1) Remove the tower and support structure within 90 days if facility not used for 12 consecutive months.
- 2) Will accept collocation by other licensees on the pole or tower and will establish reasonable fees for collocation not exceeding cost of construction and operation. Construction cost shall be provided to the County within 90 days activation of site. Special use permit will be required for any service provider collocating on the tower.
- 3) Tower or support structure be unlit and no more than 80 feet tall and no bright colors on tower.
- 4) Permit is for applicant only.
- 5) Site is to be used for PCS CDMA wireless telephone.
- 6) Copy of all licenses to be filed with the county before building permit issued.
- 7) Site to be used pursuant to site plan as submitted and must be resubmitted for approval if changed.

- 8) In the event the support structure on tower falls, it shall be at a setback distance from the highway right-of-way or adjoining property not less than the 110% of the height of the tower.
- 9) Madison County be allowed, at its request, to use the site or tower or support structure without charge and with electricity to be provided by CFW Wireless.
- 10) Submit a scaled plan and a scaled elevation view and other supporting documentation showing the dimensions of all improvements including information concerning topography, radio frequency coverage, range of service and essential tower height requirements for all future applications.
- 11) Access to the site will be controlled by a security fence.
- 12) Whenever possible, towers or support structures should be located among existing trees.
- 13) Provide by July 1 or each year, a list of all the service providers who are using the tower or power to confirm that the tower or pole and system are being used and active.

with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-01-09-04, which is a request by Catherine A. Cost & Sarah Colleen Morris aka Sarah Colleen Eanes for a plat of a subdivision of land to create two (2) lots with residue on Routes 634 (Oak Park Road) and Route 702 (Power Dan Road). Parcels F and G will be on a fifty-foot (50') right-of-way off Route 702 and the residue will be on Route 634. This property is located on Routes 634 and 702 near Oak Park, zoned A-1. The final plat has been approved by the Madison Health Department and the Virginia Department of Transportation.

Sarah Colleen Eanes was present to answer any questions pertaining to tonight's request.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye

Bob Miller	Aye
Clark Powers	Aye

Case Number S-01-09-05, which is a request by Debra L. Bryant & Lawrence A. Groves for a plat of a subdivision of land to create one (1) lot with residue off Route 231. The proposed lot and residue will be served by a new fifty-foot (50') right-of-way. This property is located on Route 231 (South FT Valley Road) near Etlan, zoned A-1.

Sharon Luke was present on behalf of the applicant to answer any questions pertaining to tonight's request and advised in 2006, the applicant purchased about 194 acres along Route 231 (five [5] tax map parcels); at that time a conservation easement was attained on the property with the exclusion of the 4.095 acres around the old house. The rest of the property is still in a conservation easement but tonight's request is to have the excluded property to be approved and accessed over a new fifty-foot (50') right-of-way.

Concerns were verbalized about the right-of-way, to which Ms. Luke advised the existing roadway on tax map 15-53 isn't actually a right-of-way it is just a driveway. She also stated there is currently no right-of-way through the four-acre piece of property and will be none after this division.

William L. Crigler asked V. R. Shackelford, III, County Attorney, for clarification of the right-of-way on the subdivision being requested in this case.

V. R. Shackelford, III, County Attorney, stated he believes the roadway in question is an old road but will not be utilized for access to the requested subdivision plat in tonight's case.

Sharon Luke stated the residue on Route 231 has an existing entrance that wraps around the four (4) acres but will not provide any access to the four (4) acres.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the subdivision request is approved with the condition that access to the 4.095 acre lot is over the newly created 50 foot right-of-way on tax map #15-51 and not the existing driveway on tax map 15-53, as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye

William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Rodney Lillard, Madison County Planning Commission Chairman, asked if everything was on schedule for the advertisement of the Wireless Communications Ordinance, to which Lisa Robertson, County Administrator, advised the Madison County Planning Commission needs to give the “ok” to move forward with advertisement of the existing version for Public Hearing – she advised the Madison County Planning Commission will need to review the document and advised if there are any needed changes before it is forwarded for advertisement in the Madison Eagle.

In closing, Rodney Lillard, Madison County Planning Commission Chairman, reminded the members of the February 4, 2009 Public Hearing to discuss the Wireless Communications Ordinance. The Madison County Planning Commission will hold their election of officers at the January 21, 2009 Planning Commission Workshop meeting.

V. R. Shackelford, III, County Attorney, suggested the proposed Ordinance on the senior housing project be discussed first at the February 4, 2009 meeting and the Wireless Communications Ordinance will be last.

Lisa Robertson, County Administrator, advised a couple of Madison County Board of Supervisors members have not yet completed their Statement of Economic Interests – the deadline for filing this document is January 15, 2009.

Lisa Robertson, County Administrator, stated she was recently contacted by Delegate Rob Bell of the General Assembly with new legislation to rename the bridge between Madison and Greene Counties (Route 29) to “Falling Heroes Memorial Bridge” in honor of Adam Fargo from Greene County, Virginia and E. J. Andino who graduated from Madison County High School. Additionally, in order to be successful in moving forward with this request in Richmond, they will need endorsements from both the Greene County Board of Supervisors and Madison County Board of Supervisors; therefore, Delegate Bell is working on preparing a Resolution for consideration in this venture – the Resolution should be available for review at the Regular Meeting on Tuesday, January 13, 2009 (will be forwarded via email) – any questions/concerns will be forwarded to Delegate Rob Bell or Delegate Ed Scott.

Lisa Robertson, County Administrator, also reminded the Board members of the Organizational Meeting which will take place on Tuesday, January 13, 2009 at 3:00 p.m. in the auditorium – Board members are encouraged to be thinking about representation assignments they'd each like to assume for the New Year.

James L. Arrington asked about the upcoming vacancies on the Madison County Planning Commission, to which Lisa Robertson, County Administrator, advised the advertisement will be published in the Madison Eagle shortly.

Chairman, Eddie Dean asked Lisa Robertson, County Administrator, to be sure to provide each Board member with a copy of the proposed Wireless Communications Ordinance for review prior to the Public Hearing.

Lisa Robertson, County Administrator, also advised that she will also have copies of the document at the meeting for those in attendance.

Lisa Robertson, County Administrator, also mentioned the special election that will be necessary to fill the current vacancy for the Clerk of the Circuit Court which will take place the first Tuesday in April 2009 (4/7/09) – anyone interesting in running for this vacancy is encouraged to contact the Madison County Registrar's Office to be considered.

With no further action being required by the Board, on motion of William L. Crigler, seconded by James L. Arrington, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: January 8, 2009